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December 5, 1997

**VIACOM**

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
Room 222  
1919 M Street, N.W.  
Washington, D.C. 20554

**RECEIVED**  
DEC 5 - 1997  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**RE: Written Ex Parte Presentation**  
**MM Docket No. 87-268, Advanced Television Systems**

Dear Ms. Salas:

Today several individual and television group broadcasters filed with various Commission offices a joint letter addressed to Chairman William Kennard. The letter, a copy of which is attached hereto, expresses the broadcasters' concerns with the low power levels assigned to UHF broadcasters in the table of DTV allotments/assignments contained in the *Sixth Report and Order* in the above-referenced proceeding.


The following Commissioners and Commission staff were provided a copy of the letter: Chairman Kennard; Commissioner Furchgott-Roth; Commissioner Ness; Commissioner Powell; Commissioner Tristani; Susan Fox, Senior Legal Advisor, Office of the Chairman; Helgi Walker, Legal Advisor, Office of Commissioner Furchgott-Roth; David Siddall, Legal Advisor, Office of Commissioner Ness; Jane Mago, Senior Legal Advisor, Office of Commissioner Powell; Rick Chessen, Senior Legal Advisor, Office of Commissioner Tristani; Richard Smith, Chief, Office of Engineering and Technology; Bruce Franca, Deputy Chief, Office of Engineering and Technology; Alan Stillwell, Economic Advisor, Office of Engineering and Technology; Roy Stewart, Chief, Mass Media Bureau; Karen Kornbluh, Deputy Chief, Mass Media Bureau; and Keith Larson, Assistant Deputy Chief/Engineering, Mass Media Bureau.

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*OH*

The proceeding at issue is a non-restricted proceeding in which presentations are permitted, but must be disclosed. Accordingly, this letter and a copy are being filed pursuant to Section 1.1206 of the Commission's Rules.

Sincerely,



Attachment

cc: Chairman Kennard  
 Commissioner Furchgott-Roth  
 Commissioner Ness  
 Commissioner Powell  
 Commissioner Tristani  
 Susan Fox  
 Helgi Walker  
 David Siddall  
 Jane Mago  
 Rick Chesson  
 Richard Smith  
 Bruce Franca  
 Alan Stillwell  
 Roy Stewart  
 Karen Kornbluh  
 Keith Larson

Clear Channel Communications, Inc.  
 HSN, Inc.  
 Univision Communications, Inc.  
 Sullivan Broadcasting Group  
 Pappas Telecasting Companies  
 Sinclair Broadcast Group  
 Grant Broadcasting Group  
 Communications Corporation of America  
 Twenver Broadcast, Inc.  
 Newsweb Corporation  
 FANT Broadcasting  
 Morris Network, Inc.  
 Sainte Partners II L.P.

December 5, 1997

The Honorable William E. Kennard  
Chairman  
Federal Communications Commission  
Room 814  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Chairman Kennard:

On November 20, 1997, the Association for Maximum Service Television and other broadcasters (collectively, "MSTV") submitted to the Commission, for informational purposes only, a revised digital television table as a possible solution to concerns regarding "two systemic problems" in the table of DTV allotments/assignments attached to the *Sixth Report and Order* ("*Sixth R&O Table*").<sup>1</sup> The two problems cited by MSTV are DTV- to- DTV adjacent channel interference and channel assignments that result in interference in so-called "Acute Problem Areas". The undersigned are writing to remind the Commission of a third systemic problem that neither the accompanying text nor the reconstituted table offered by MSTV properly addresses: the enormous power disadvantage suffered under the Sixth R&O Table by many current UHF stations that are assigned to DTV channels in the UHF band ("U-to-U" stations).<sup>2</sup> Given the concern of the undersigned with respect to the critical power issue, we still believe MSTV's submission falls far short of representing an industry-wide consensus on ameliorating the *Sixth R&O Table*.

While the undersigned may or may not individually agree that one or both of the two systemic problems cited by MSTV do, in fact, exist in the *Sixth R&O Table*, collectively we view the power issue as the single greatest threat to our continued viability and, ultimately, to the public interest. Significantly, despite the Commission's best efforts in implementing a minimum power level of 50 kW for U-to-U stations and a power cap of 1,000 kW for VHF stations assigned to DTV channels in the UHF band ("V-to-U" stations), hundreds of U-to-U stations power levels are still as low as *ten, fifteen and even twenty times less* than those assigned to their V-to-U competitors.

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<sup>1</sup> *Sixth Report and Order* in MM Docket No. 87-268 (released April 21, 1997).

<sup>2</sup> The MSTV submission does appear to allude to the power issue, but only parenthetically. See MSTV submission at 10.

This fundamental power imbalance creates an impediment to our proceeding with confidence into the digital era. In fact, many existing UHF broadcasters are concerned that power levels are sufficiently deficient as to undermine the ability of U-to-U stations to penetrate buildings and be received by indoor antennas, *even within our Grade A service areas*. This will be a particularly acute problem in urban areas. Certainly neither Congress nor the Commission intended that millions of viewers would be disenfranchised from receiving certain television signals as a result of the transition to digital television. Further, since an overwhelming majority of existing UHF stations are affiliated with an emerging broadcast network or a non-English language broadcast network, the disparity in power levels places these stations at an enormous competitive disadvantage vis-a-vis VHF to UHF stations affiliated with one of the established networks. The submission filed by MSTV ignores this fundamental plight of U-to-U stations and their viewing public. Accordingly, the undersigned request that in evaluating MSTV's submission, the Commission bear in mind that the submission — which does not address the severe problem confronting more than half of the broadcast industry — is not a panacea.

We recognize the desire of the Commission and others to move apace with the transition to digital television. Indeed, the undersigned stand ready and eager to discuss the power issue with the Commissioners, their staffs and the industry in order to resolve the power problem as soon as possible.

Respectfully submitted,

Viacom Inc.  
 Clear Channel Communications, Inc.  
 HSN, Inc.  
 Univision Communications Inc.  
 Sullivan Broadcasting Group  
 Pappas Telecasting Companies  
 Sinclair Broadcast Group  
 Grant Broadcasting Group  
 Communications Corporation of America  
 Twenver Broadcast, Inc.  
 Newsweb Corporation  
 FANT Broadcasting  
 Morris Network, Inc.  
 Sainte Partners II L.P.

cc: Commissioner Harold Furchgott-Roth  
 Commissioner Susan Ness  
 Commissioner Michael Powell  
 Commissioner Gloria Tristani